

REMARKS

Claims 1-3, 5, 7, 10-12 and 15-24 are pending in the present application.

Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

1. Claim Rejections Under 35 U.S.C. §102

Claims 1-3, 5, 7, 10-12, and 15-24 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Nos. 6,136,945 to Mestanza. Applicants respectfully assert that a rejection under 35 U.S.C. §102(b) is improper as the pending application is a continuation of U. S. Patent Nos. 6,136,945 to Mestanza.

Applicants now summarize the past events to clarify the situation. A petition to withdraw Patent Application 09/313,063 from issue was filed on September 22, 2000. This petition was accompanied by a Continued Prosecution Application and an Information Disclosure Statement. The Petition, despite being properly filed, failed to reach the appropriate deciding official prior to issue of the patent. Accordingly, U.S. Patent No. 6,136,945 to Mestanza issued on October 24, 2000. Subsequently, the Petition to Withdraw from Issue was dismissed as moot.

Applicant then petitioned to have the Continuing Prosecution Application that accompanied the Petition to Withdraw from Issue converted to a Continuing Application under 37 CFR 1.53(b). The petition to convert the Continuing Prosecution Application to a Continuing Application under 37 CFR 1.53(b) was granted on January 25, 2002. The Continuing Application was given Serial No. 09/887,698.

Applicant amended the pending application to properly reflect the relationship its relationship to U.S. Application Serial No. 09/313,063, now U.S. Patent No. 6,136,945 in a preliminary amendment filed on June 20, 2002.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Response or otherwise, please charge them to Deposit Account No. 07-0862 maintained by the Assignee.

Respectfully submitted,

RAPHAEL MESTANZA

CANTOR COLBURN LLP
Applicant's Attorneys

By: Patricia S. DeSimone
Patricia S. DeSimone
Registration No. 48,137
Customer No. 23413

Date: February 3, 2004
Address: 55 Griffin Road South, Bloomfield, Connecticut 06002
Telephone: (860) 286-2929